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3 **BEFORE THE**
4 **BOARD OF REGISTERED NURSING**
5 **DEPARTMENT OF CONSUMER AFFAIRS**
6 **STATE OF CALIFORNIA**

7 In the Matter of the Accusation Against:

Case No. 2012-359

8 **JANET ARLINE WATSON**
9 **10730 Potranco Road, Ste. 122-144**
10 **San Antonio, TX 78251**

DEFAULT DECISION AND ORDER

11 **Registered Nurse License No. 269168**

12 Respondent.

[Gov. Code, §11520]

13 **FINDINGS OF FACT**

14 1. On or about December 12, 2011, Complainant Louise R. Bailey, M.Ed., RN, in
15 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
16 Consumer Affairs, filed Accusation No. 2012-359 against Janet Arline Watson (Respondent)
before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

17 2. On or about August 31, 1976, the Board of Registered Nursing (Board) issued
18 Registered Nurse License No. 269168 to Respondent. The Registered Nurse License was in full
19 force and effect at all times relevant to the charges brought in Accusation No. 2012-359 and will
20 expire on February 28, 2014, unless renewed.

21 3. On or about December 12, 2011, Respondent was served by Certified Mail copies
22 of the Accusation No. 2012-359, Statement to Respondent, Notice of Defense, Request for
23 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)
24 at Respondent's address of record which, pursuant to Business and Professions Code section 136
25 and California Code of Regulations, title 16, section 1409.1, is required to be reported and
26 maintained with the Board, which was and is:

27 10730 Potranco Road, Ste. 122-144
28 San Antonio, TX 78251.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about December 19, 2011, the domestic return receipt was returned by the
5 U.S. Postal Service indicating a delivery of the aforementioned documents on December 15,
6 2011.

7 6. Government Code section 11506 states, in pertinent part:

8 (c) The respondent shall be entitled to a hearing on the merits if the
9 respondent files a notice of defense, and the notice shall be deemed a specific
10 denial of all parts of the accusation not expressly admitted. Failure to file a notice
of defense shall constitute a waiver of respondent's right to a hearing, but the
agency in its discretion may nevertheless grant a hearing.

11 7. Respondent failed to file a Notice of Defense within 15 days after service upon
12 her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation
13 No. 2012-359.

14 8. California Government Code section 11520 states, in pertinent part:

15 (a) If the respondent either fails to file a notice of defense or to appear
16 at the hearing, the agency may take action based upon the respondent's express
17 admissions or upon other evidence and affidavits may be used as evidence
without any notice to respondent.

18 9. Pursuant to its authority under Government Code section 11520, the Board finds
19 Respondent is in default. The Board will take action without further hearing and, based on the
20 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
21 taking official notice of all the investigatory reports, exhibits and statements contained therein on
22 file at the Board's offices regarding the allegations contained in Accusation No. 2012-359, finds
23 that the charges and allegations in Accusation No. 2012-359, are separately and severally, found
24 to be true and correct by clear and convincing evidence.

25 10. Taking official notice of its own internal records, pursuant to Business and
26 Professions Code section 125.3, it is hereby determined that the reasonable costs for
27 Investigation and Enforcement is \$3,120.00 as of March 1, 2012.

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2. The agency has jurisdiction to adjudicate this case by default:

a. Respondent is subject to disciplinary action under Code section 2761, on the grounds of incompetence as defined by California Code of Regulations, 1443, in that on or about December 2 and December 3, 2005, while employed as a nurse, Respondent failed to conduct proper skin assessment and breakdown on her patient.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 269168, heretofore issued to Respondent Janet Arline Watson, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 10, 2012.

It is so ORDERED July 12, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

80613828.DOC
DOJ Matter ID:SD2011801106
Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 LINDA K. SCHNEIDER
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3 KAREN L. GORDON
Deputy Attorney General
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Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **202-359**

12 **JANET ARLINE WATSON**
13 **10730 Potranco Road, Ste. 122-144**
14 **San Antonio, TX 78251-3327**

ACCUSATION

15 **Registered Nurse License No. 269168**

16 **Respondent.**

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 1976, the Board of Registered Nursing issued Registered
24 Nurse License Number 269168 to Janet Arline Watson (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on February 29, 2012, unless renewed.

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1 9. California Code of Regulations, title 16, section 1443 states:

2 As used in Section 2761 of the code, "incompetence" means the lack of
3 possession of or the failure to exercise that degree of learning, skill, care, and
4 experience ordinarily possessed and exercised by a competent registered nurse as
5 described in Section 1443.5.

6 10. California Code of Regulations, title 16, section 1443.5 states:

7 A registered nurse shall be considered to be competent when he/she
8 consistently demonstrates the ability to transfer scientific knowledge from social,
9 biological and physical sciences in applying the nursing process, as follows:

10 (1) Formulates a nursing diagnosis through observation of the client's
11 physical condition and behavior, and through interpretation of information obtained
12 from the client and others, including the health team.

13 (2) Formulates a care plan, in collaboration with the client, which
14 ensures that direct and indirect nursing care services provide for the client's safety,
15 comfort, hygiene, and protection, and for disease prevention and restorative measures.

16 (3) Performs skills essential to the kind of nursing action to be taken,
17 explains the health treatment to the client and family and teaches the client and family
18 how to care for the client's health needs.

19 (4) Delegates tasks to subordinates based on the legal scopes of practice
20 of the subordinates and on the preparation and capability needed in the tasks to be
21 delegated, and effectively supervises nursing care being given by subordinates.

22 (5) Evaluates the effectiveness of the care plan through observation of
23 the client's physical condition and behavior, signs and symptoms of illness, and
24 reactions to treatment and through communication with the client and health team
25 members, and modifies the plan as needed.

26 (6) Acts as the client's advocate, as circumstances require, by initiating
27 action to improve health care or to change decisions or activities which are against the
28 interests or wishes of the client, and by giving the client the opportunity to make
informed decisions about health care before it is provided.

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the
Board/Registrar/Director may request the administrative law judge to direct a licensee found to
have committed a violation or violations of the licensing act to pay a sum not to exceed the
reasonable costs of the investigation and enforcement of the case.

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FACTS

12. In and around November and December of 2005, Respondent worked as a traveling nurse employed by AMN healthcare and contracted to work on the medical-surgical floor at Saddleback Memorial Medical Center (Saddleback).

13. On or about November 29, 2005, patient JP, an 80 year old male, was admitted to Saddleback for elective bilateral total knee replacement surgery. He had been having progressive bilateral knee pain that was non-responsive to conservative care.

14. JP had a history of hypertension, atrial fibrillation, diabetes controlled by oral agents, and coronary artery disease for which he had bypass surgery, stents, and a pacemaker. JP also had a history of prostate carcinoma and a prostatectomy from which he suffered urinary incontinence.

15. On or about November 29, 2005, surgery was performed on JP and he was admitted to the medical-surgical unit. JP was placed in bilateral continuous passive motion (CPM) machines for six hours a day to assist in the mobility of his extremities post operatively. JP also had TED hose and sequential compression devices (SCD). JP had periods of confusion when he refused medications and refused to be repositioned as well as poor nutritional intake.

16. On or about December 2, 2005 and December 3, 2005, Respondent provided nursing care to JP.

17. Nursing notes from November 29, 2005 to December 3, 2005, indicate that the only pain mentioned is in relationship to the surgical sites on JP's knees.

18. There is no mention of skin problems on December 2, 2005.

19. On or about December 3, 2005 at 1020, Respondent noted that JP had Stage I reddened areas across his left buttocks.

20. On or about December 3, 2005 at 1430, JP was transferred to the rehabilitation unit. Upon JP's arrival to the rehabilitation unit, Registered Nurse KF conducted a skin risk assessment of JP. KF found and documented with photos, eight different Stage I and Stage II pressure ulcers on both of JP's heels, bilateral Achilles tendon areas, left thigh, and bilateral buttocks.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Incompetence)

3 21. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),
4 on the grounds of incompetence as defined by California Code of Regulations, title 16, section
5 1443, in that on or about December 2 and December 3, 2005, while employed as a registered
6 nurse, Respondent failed to conduct proper skin assessment and breakdown prevention for JP, as
7 is more fully described in paragraphs 9-20, above.

8 PRAYER


9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 269168, issued to Janet
12 Arline Watson

13 2. Ordering Janet Arline Watson to pay the Board of Registered Nursing the reasonable
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions
15 Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.
17

18 DATED: December 12, 2011

19 
20 LOUISE R. BAILEY, M.ED., RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

23 SD2011801106
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